

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
MARIANO SICCIAROS-QUINTERO,)
)
Defendant.)

8:07CR19

ORDER CONTINUING TRIAL

This matter is before the court on the defendant's oral motion to continue trial, which is now set for August 1, 2007. A continuance is necessary because defense counsel, Jason Finch, was allowed to withdraw on July 19, 2007, at which time substitute counsel entered an appearance. The court finds that the trial should be continued as requested and that the intervening time should be excluded under the Speedy Trial Act.

IT IS ORDERED that the oral motion to continue trial is granted, as follows:

1. The above-entitled case is scheduled for a jury trial before the Honorable Laurie Smith Camp, District Court Judge, to begin **September 18, 2007 at 9:00 a.m.** in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska; because this is a criminal case, defendant(s) must be present in person. Counsel will receive more specific information regarding the order of trial from Judge Smith Camp's staff.

2. In accordance with 18 U.S.C. § 3161(h)(8)(A), I find that the ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **August 1, 2007 and September 18, 2007**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161 because counsel require more time to effectively prepare the case, taking into account the nature of the case and the exercise of due diligence. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED July 19, 2007.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge